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SUBJECT: PROMOTING DURABLE SOLUTIONS FOR THE BHUTANESE

REFUGEES IN NEPAL

REF: STATE 326211

1. (SBU) Post welcomes reftel's proposals regarding a durable solution for the Bhutanese refugees in Nepal. We concur that U.S. objectives for the refugees are first, to ensure that basic protection and assistance needs of the refugees are met and second, to advance efforts by the Government of Nepal (GON) and Royal Government of Bhutan (RGOB) to achieve a durable solution to the Bhutanese refugee problem.

LOCAL INTEGRATION IN NEPAL

2. (SBU) Reftel suggests that Post look for progress by the GON to integrate refugees into Nepal. Post supports the principle of local integration and will encourage and support GON plans to settle a number of refugees in Nepal. However, settlement in Nepal will be difficult politically and legally and may not lead to a stable or secure situation for a large number of refugees. In any case, settlement in Nepal should not be pressed on the GON until it becomes clearer how sincere the Bhutan Government is about repatriation, which, we believe, is still the first choice of most refugees.

3. (SBU) Local integration is a politically-charged topic for a number of reasons and may prove too controversial for any government, much less this interim government, to implement. A UNHCR Protection Officer in Kathmandu estimated that there are over 400,000 people in Nepal (mostly undocumented immigrants from India) waiting for Nepali citizenship and roughly 2 million ethnic Nepalis waiting for land distribution from the GON. Offering citizenship and land to the refugees could, therefore, cause significant political backlash. Moreover, Eastern Nepal, where the refugee camps are located, is more densely populated and richer in natural resources than other parts of Nepal. As a result, it is unlikely that the refugees would be resettled in or near the communities with which they have been co-located for the past 13 years.

4. (SBU) Thousands of Tibetan refugees currently work and live in Nepal, but do not have citizenship status and cannot obtain travel documents or other official papers without paying hefty bribes to GON officials. Any Bhutanese refugee who decides to stay in Nepal will likely be accorded the same quasi-legal status. It may be difficult, therefore, for the USG to support local integration in Nepal if that means that the Bhutanese are left in the same legal limbo as the Tibetans.

PROGRESS OF JOINT VERIFICATION TEAM

5. (SBU) Reftel also suggests that Post report on the results of a Joint Verification Team (JVT) meeting. The team arrived in Khudunabari Camp the week of December 1 to begin its review of appeals submitted by Category III refugees. According to Nepal's Ministry of Foreign Affairs (MFA), the JVT will complete the appellate review prior to the January 2004 Joint Ministerial meeting. Post will report on the JVT's findings at that time. The MFA has indicated that verification of the second refugee camp, Sanischere, will begin after Khudunabari camp refugees are repatriated. Under the most optimistic timeline, the JVT will start verification of Sanischere in late February/early March and complete the process roughly four months later, perhaps by July 2004. Verification of the second camp may take longer than anticipated because of international advocacy to treat men and women equally. If verification procedures are revised so that women refugees are granted separate interviews, rather than interviewing only heads-of-household, the process could take twice as long.

OTHER USG EFFORTS

16. (SBU) Post agrees that it is important to monitor closely and report on progress made by the Joint Verification Team and the Government of Nepal. We also agree that joint demarches with the Friends of Bhutan and Nepal, given our approaches are aligned, would have a positive impact on the process. However, in order to ensure the basic protection and assistance needs of all Bhutanese refugees, including those in Khudunabari Camp, Post believes more immediate action is necessary. Post recommends that a high-level visit from Washington to New Delhi, Thimpu, and Kathmandu could have an immediate and positive impact on the issue. Such a visit would send the message that the USG is serious and engaged about this important human rights issue.

17. (SBU) A visit to New Delhi also could emphasize that India's support for repatriation is absolutely critical to its success. It would be important to highlight to the Government of India, as well as to the RGOB, the importance of resolving the refugee problem to avoid further insecurity in the region. The continuing education of girls and boys in the refugee camps in Dzongka language, culture and traditions demonstrates the refugees' commitment to Bhutan and their desire to return as loyal subjects and upstanding citizens. However, if they are not able to return to Bhutan with citizenship and other basic rights, these groups might grow increasingly radical. The young men and women in the camps have already become more vulnerable to solicitation by anti-monarchical political movements supporting the "liberation of Bhutan - Nepal". We fear that if the refugees' needs are ignored, the Bhutan-India border region may witness further instability.

18. (SBU) A senior visit to Thimpu could emphasize these security concerns, but also focus on third-party monitoring (other than UNHCR), citizenship for the refugees and property rights -- the three key issues identified by the refugees themselves as being most critical for their successful repatriation. Another important issue will be the freedom to seek employment commensurate with their relatively high levels of education. A visit to Nepal could focus on the importance of resettling some refugees locally with provision of land and relaxed requirements for citizenship. We believe it is important to address these issues quickly, before repatriation begins.

MALINOWSKI